

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BILLY DRIVER, JR.,

Plaintiff,

v.

J. GARRY,

Defendant.

No. 2:20-cv-00800-TLN-AC

**ORDER**

Plaintiff Billy Driver, Jr. ("Plaintiff"), a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 29, 2020, the magistrate judge issued findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 12.) Plaintiff has not filed objections to the findings and recommendations.

Accordingly, the Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983); *see also* 28 U.S.C. § 636(b)(1).

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1 Having reviewed the file under the applicable legal standards, the Court finds the Findings  
2 and Recommendations to be supported by the record and by the magistrate judge's analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

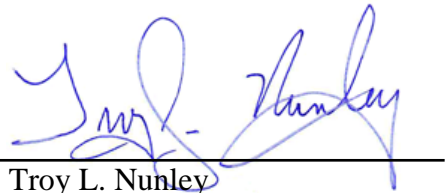
4 1. The Findings and Recommendations issued July 29, 2020 (ECF No. 12), are adopted in  
5 full;

6 2. Plaintiff's Motion to Proceed *in Forma Pauperis* (ECF No. 2) is DENIED pursuant to  
7 28 U.S.C. § 1915(g); and

8 3. Plaintiff is ordered to pay the entire \$400.00 in required fees within thirty (30) days or  
9 face dismissal of the case.

10 IT IS SO ORDERED.

11 DATED: October 6, 2020

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Troy L. Nunley  
United States District Judge